



How are district school boards constituted in Florida?

The state constitution provides that each county in Florida constitutes a school district and requires each district to be governed by a school board comprised of at least five members, who serve staggered terms of four years.¹

Florida law requires that each district must be divided into at least five school board member residence areas that are of equal population, as nearly as practicable.² Each member of the school board must be a qualified voter of the district in which he or she serves and reside in the member residence area in which he or she is elected.³

What are the powers and responsibilities of district school boards?

Article IX, section 4(b) of the Florida Constitution states, “The school board shall operate, control and supervise all free public schools within the school district and determine the rate of school district taxes within the limits prescribed [by the constitution].”

Florida statutes authorize each district school board to exercise any power not expressly prohibited by the state constitution or law,⁴ require each board to perform all duties assigned to it by law or State Board of Education rule,⁵ and grant each board the specific authority to:

- ❖ Adopt standards and policies to provide each student the opportunity to receive a complete education program in accordance with the Sunshine State Standards;⁶
- ❖ Contract, sue, and be sued;⁷
- ❖ Control property and convey title to real and personal property;⁸
- ❖ Establish schools and school attendance areas;⁹
- ❖ Adopt a school calendar;¹⁰
- ❖ Govern personnel matters¹¹ and collectively bargain district employee salaries;¹²
- ❖ Adopt standards of ethical conduct for instructional personnel and school administrators;¹³

¹ Section 4(a), Art. IX of the State Constitution.

² Section 1001.36(1), F.S.

³ Section 1001.34, F.S.

⁴ Section 1001.32(2), F.S.

⁵ Section 1001.41(5), F.S.

⁶ Section 1001.41(3), F.S.

⁷ Section 1001.41(4), F.S.

⁸ Section 1001.42(2), F.S.

⁹ Section 1001.42(4)(a), F.S.

¹⁰ Section 1001.42(4)(f) and (g), F.S.

¹¹ Section 1001.42(5), F.S.

¹² See ss. 447.203(2) and 447.309(2), F.S.

¹³ Section 1001.42(6), F.S.

- ❖ Provide for student welfare and discipline;¹⁴
- ❖ Provide adequate instructional materials to students;¹⁵
- ❖ Provide for the transportation of students;¹⁶
- ❖ Provide for locating, planning, constructing, maintaining, insuring, and condemnation of school facilities;¹⁷
- ❖ Provide fiscal management for school district operations, levy taxes, and issue bonds;¹⁸
- ❖ Implement school improvement and accountability;¹⁹
- ❖ Encourage and enhance decision-making by individual schools and school advisory councils;²⁰ and
- ❖ Sponsor charter schools, including the review and approval or denial of new charter school applications and termination of academically low performing or financially unsound charter schools.²¹

How are district school board members elected?

The state constitution requires school board members to be chosen in nonpartisan elections.²² Since 1947, Florida law has provided for an at-large voting system, wherein each voter in a district is entitled to vote for all school board members elected to the district's member residence areas.²³ Districts with five-member school boards must be divided into five member residence areas.²⁴ Districts with seven-member school boards must either be divided into seven member residence areas of equal population as nearly as practicable or five member residence areas, with one member elected from each area and two members elected at-large.²⁵

In the early 1980s, Florida's at-large voting system was successfully challenged in federal lawsuits filed in Gadsden and Escambia Counties as being unconstitutionally discriminatory against African-Americans.²⁶ Following these cases, the 1984 Legislature adopted "The School District Local Option Single-Member Representation Law of 1984."²⁷ This law allows the qualified voters of any county to vote by referendum to change to a single-member representation system so that the voters residing in each member residence area within the

¹⁴ Section 1001.42(8), F.S.

¹⁵ Section 1001.42(9), F.S.

¹⁶ Section 1001.42(10), F.S.

¹⁷ Section 1001.42(11), F.S.

¹⁸ Section 1001.42(12), F.S.

¹⁹ Section 1001.42(18), F.S.

²⁰ Section 1001.42(19), F.S.

²¹ Section 1002.33(5), (6), and (8), F.S.

²² Section 4(a), Art. IX of the State Constitution.

²³ Chapter 1947-23726, L.O.F.

²⁴ Section 1001.36(1), F.S.

²⁵ Section 1001.36(1)(a), F.S.

²⁶ See *N.A.A.C.P. v. Gadsden County*, 691-F.2d 978, 983-984 (11th Cir. Nov. 15, 1982), *McMillan v. Escambia County, Fla.*, 638 F.2d 1239, 1247 (5th Cir. Feb. 19, 1981).

²⁷ Chapter 1984-113, L.O.F.

district may elect their own representative to the school board.²⁸ A petition for such referendum requires at least ten percent of the registered voters within the county.²⁹

How are district school board chairs elected?

Current law provides for the election of a district school board chair by the school board on the third Tuesday after the first Monday each November. A vice-chair may also be elected and the superintendent must serve as secretary and ex officio member of the board.³⁰

In counties organized by charter with a population between 800,000 and 900,000, an alternative procedure allows the voters to petition for and hold a referendum to elect, by a district wide vote, a school board chair as an additional member of the school board.³¹

How are school board vacancies filled?

All school board vacancies are filled by appointment by the Governor.³²

How are district school board members compensated?

Prior to 2002, school board member salaries were set according to a statutory formula similar to numerous other constitutional officers. The 2002 Legislature passed legislation requiring school boards to vote to determine and approve their salaries.³³

In 2007, the Legislature again set school board member salaries according to a statutory formula.³⁴ Under this formula, salaries are determined based upon the population of the county in which the school board member serves.³⁵ Florida law also establishes a formula for annually adjusting these salaries.³⁶ Legislation enacted in 2009 and again in 2010 requires district school boards to set member salaries at the amount calculated according to the statutory formula or at the district's salary for beginning teachers who hold baccalaureate degrees, whichever is less.³⁷

Where can I get additional information?

Florida School Boards Association

(850) 414-2578

<http://www.fsba.org/>

²⁸ Section 1001.362(2), F.S.

²⁹ Section 1001.362(3), F.S.

³⁰ Section 1001.371, F.S.

³¹ Section 1001.364(2) and (11), F.S.

³² Section 1001.38, F.S.

³³ Section 52, ch. 2002-387, L.O.F., (creating s. 1001.395, F.S.)

³⁴ Sections 2 and 4, ch. 2007-234, L.O.F.

³⁵ Section 1001.395, F.S.

³⁶ Section 145.19(2), F.S.

³⁷ Section 3, ch. 2010-154, L.O.F. and s. 5, ch. 2009-59, L.O.F., (amending s. 1001.395, F.S.).

Florida House of Representatives

Education Committee

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